shocking that over the last three years the United States Government probably would have armed and trained 2,516 units (or individuals in those units) containing murders, rapists and torturers without the Leahy Law.

The Leahy Laws don't actually prohibit the U.S. from working with even these units—the ones that have committed murder and torture. It only says that the U.S. cannot arm or train them until the foreign government takes steps to clean up the unit.

Three Questions

So whenever anyone says that it is a problem for the United States that it cannot train or arm a particular foreign battalion or police unit, one should ask three questions:

(1) What did the unit do? If we can't work with them, it must mean that the United States has determined that this unit is one of the worst of the worst. It is in the 1 percent of units where the U.S. government found credible information linking it to murder, rape, torture or another gross atrocity. So, when someone argues that we should arm a Leahy-prohibited unit, one should ask, ''What did the unit do to get on the list?''

(2) Why won't the government clean up the unit? Maybe the foreign government wants to make a point to the U.S.—it doesn't accept the U.S. commitment to human rights; it won't let the U.S. ''tell it what to do.'' Maybe the government has no control over its own military and cannot do anything to clean up the unit even if it wanted to do so. But one should insist on knowing: ''Why won't the government clean up the unit?''

(3) Finally, if the unit committed murder, rape or torture and the foreign government won't or can't clean it up, why should U.S. taxpayers give that specific unit guns anyway? Under what possible circumstances would it make sense for the United States to arm known killers who are either completely out of their government's control, or who work for a government that refuses to take any action against them?

Responses to Three Criticisms

Tempus Fugit: There are a number of arguments raised against the Leahy Law which might make some sense if the law covered lesser offenses. For instance, there is an argument that it makes no sense to keep a unit on the Leahy Law ''pariah'' list long after the atrocity occurred, especially if everyone who was in the unit has now moved on. But there are no other contexts in which we would accept a 4 year, or 8 year or even 15 year statute of limitations on murder, torture or rape. So why accept one here? And the law is intended to create an incentive for foreign governments to improve their human rights records and to hold people accountable. Letting a unit off the hook because the government rotated people out of the unit (and into other ones) or because the foreign government simply waited us out for a few years sends exactly the wrong message. Moreover, units have reputations and traditions that are regularly passed on to new members of the unit over many years and even decades. That is often true for units with gallant histories. But it is also true of death squads and praetorian guards.

Just as importantly, one needs to ask what it says about a foreign military ''partner'' if documented cases of murder, rape and torture go without redress after decades. The government always has the option of working with the United States to create new, carefully vetted units—something that has been done in a number of countries with gross human rights problems. If the government will not do that, it is probably trying to make a point. Is it appropriate to reward such behavior with assistance?

Pariah Forever: Critics of the law also sometimes argue that it is impossible for a tainted unit to be rehabilitated. This is, of course, completely false—unless the government in question refuses or is unable to take any meaningful action to address the problem. So what these critics are really saying is: It is almost never the case that America's military partners in these countries have the political will or commitment to human rights to take the kind of disciplinary action against killers and rapists that is absolutely routine in the U.S. military. And that is a very odd sort of argument for waiving or weakening the Leahy Law so that we can give more guns to these government's forces.

In fact, there are cases in which specific units have been rehabilitated. But it takes a willing partner. This is one area where critics of the law and its supporters should make common cause to support earmarked funding for remediation of tainted units. One percent of U.S. military assistance—just one penny out of every dollar—should be set aside for vetting and remediation. It should be used to help foreign militaries set up JAG officer corps, criminal investigation services and other elements of a professional disciplinary system. This should simply be considered a cost of doing business in some of the most violent places on earth. There is a precedent for applying a fixed surcharge as a ''cost of doing business.'' Every time the United States Government sells weapons abroad it applies a surcharge—currently 3.5%—to administer the sale. The U.S. should apply a 1% surcharge to ensure that it knows what is being done with the other 99% and so that it can help move its partner forces in a positive direction on human rights.

Just a Few Bad Apples: Critics sometimes argue that it is wrong to hold whole units accountable for the acts of just a few, or perhaps even just one, member of the unit. They argue that we should vet specific individuals rather than units and only withhold information from those individuals who are linked to atrocities.

Here it is important to understand that the Leahy Law was a compromise. There was and is an important human rights law—Section 502B of the Foreign Assistance Act—which does not permit the United States to engage in a unit by unit assessment of foreign partner forces: ''No security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights.'' There is a very strong argument to be made under Section 502B that the United States should be providing no assistance whatsoever to Nigerian forces, and many others around the world.

But historically the United States has been extremely reluctant to invoke Section 502B even in the most extreme cases. So the Leahy Law was proposed as an intermediate step: If the U.S. will not completely cut off governments engaging in a consistent pattern of gross human rights violations, then at least it should not arm the specific military units it believes are the ones actually committing the gross violations. However, Senator Leahy also believed that it would be absurd and unreasonable to ask that human rights victims be able to identify the specific murder, torturer or rapist by name before the U.S. took any action. So, his law states that if credible information can be presented that links an identifiable unit to a specific atrocity the United States would be required to cut off that unit—at least until the foreign government identifies the specific individuals within it who are responsible and deals with them.

One Final Thought

The Bible tells us in the Book of Acts that before his conversion on the road to Damascus the Apostle Paul was a persecutor of the Christian Church. In fact, according to Acts (Chapter 7, Verse 59) he was present at the killing of St. Stephen and held the cloaks of those who stoned him. He cast no stones himself; but he was complicit. He gave aid to the killers. When we go to places like Nigeria, shouldn't we at least ask, ''Whose cloaks are we holding?'' That's all the Leahy Law says.

The Leahy Law cannot guarantee that the U.S. will never arm bad people. It's not a panacea. It's just the least we can do.

ADDITIONAL STATEMENTS

TRIBUTE TO CHIEF WARRANT OFFICER 5 DANIEL SANDBOTHE

● Mr. BLUNT. Mr. President, I wish to honor CW5 Daniel Sandbothe of the 1107th Missouri National Guard in Springfield, MO. As a soldier, he has dedicated 40 years to serving in the Missouri National Guard. Over those years, through his commitment and service, he has risen to a unique rank signifying his expertise in flying and maintaining the rotary aircraft of the U.S. Armed Forces.

CW5 Daniel Sandbothe's career started in 1972 in the 1038th Maintenance Company. Throughout the next four decades, he mastered the ability to fly a variety of airframes commonly used by the U.S. Army, logging more than 5,000 military flight hours. He has earned the respected designations of instructor pilot, maintenance test flight evaluator, and rotary wing instrument flight examiner as he progressed.

His profession has sent him to four overseas duty stations in Central America and Japan. He also participated in three combat tours, including Operation Desert Storm in 1991, Operation Iraqi Freedom with 1107th Aviation Classification and Repair Depot in 2005, and Operation Enduring Freedom with 1107th Theater Aviation Sustainment Maintenance Group in 2010. In addition, Daniel Sandbothe was selected to lead a team to assist the Lebanese Armed Forces in improving their aviation maintenance program.

CW5 Daniel Sandbothe has also been appointed to the Missouri Army National Guard Senior Warrant Officer Advisory Council. His job will be to help pick the future non-commissioned leaders of the Missouri National Guard's air elements. This distinction represents his commitment to his profession as a United States serviceman.

His legacy will be felt by future generations of the National Guard in Missouri, including those he has trained, led, and mentored over the last four decades. For his years of committed services, CW5 Daniel Sandbothe has earned his retirement. I wish him well in his next opportunity and thank him for his years of service to Missouri and the Nation.●

DIABETES STUDY

● Mr. NELSON. Mr. President, I wish to draw attention to a study by the